



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,773	09/30/2003	Fabio M. Gava	66329/31337	6259
23380	7590	05/14/2008		
TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414			EXAMINER	
			IWARE, OLUSEYE	
			ART UNIT	PAPER NUMBER
			3687	
			NOTIFICATION DATE	DELIVERY MODE
			05/14/2008 ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@tuckerellis.com
mary.eme@tuckerellis.com

Office Action Summary

Application No.

10/675,773

Applicant(s)

GAVA, FABIO M.

Examiner

OLUSEYE IWARERE

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) 2, 9, 16 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8, 10-15, 17-22 and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/30/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This communication is in response to the remarks received on April 13, 2008. Claims 2, 9, 16 and 23 have been cancelled. The amendments to claims 1, 8, 15 and 22 have been entered. Claims 4 – 7, 10 – 14, 17 – 21 and 24 – 28, as originally filed are currently pending and have been considered below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 3 – 8, 10 – 15, 17 – 22 and 24 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (2002/0147668) in view of Aikens (6,216,113).

As per claims 1, 8, 15 and 22, Smith discloses a system for automated accounting of document generating device usage (computer-based resource management systems) comprising:

means adapted for acquiring usage data representative of usage of a document generating device ([abstract]; The other layer comprises allocation accounts that represent categories of transactions such as "materials," "labor," "facilities," and "insurance." The user uses these virtual accounts in conjunction with actual accounts to track the user's transactions in real time) in accordance with a selected one of a plurality of user accounts (managing the resources of a job-based business through real-time allocation of the resources among a set of user-defined virtual spending accounts) wherein the usage data includes at least one of:

copier usage data in accordance with each of the plurality of user accounts ([abstract]; the job accounts represent various jobs or projects and are each designated by an envelope icon and a job number, which is construed as copier usage data);

print usage data ([0039] Examples of output means 38 include a monitor, a printer) in accordance with each of the plurality of user accounts ([0074] FIG. 5o shows a time sheet screen activated by screen button 66 of FIG. 5n. Here, the user 10 can enter time by date, employee, job number, and activity. Further, daily totals are displayed.);

facsimile usage data ([0012] transactions can be reconciled and various documents such as job quotes, purchase orders, and time sheets can be transmitted remotely by fax or by other electronic means.) in accordance with each of the plurality of

user accounts [0074] FIG. 5o shows a time sheet screen activated by screen button 66 of FIG. 5n. Here, the user 10 can enter time by date, employee, job number, and activity. Further, daily totals are displayed; and

scanning usage data (the inputs 40 may be received by an entity 14 in hard copy form by the user 10 who then may input the received information using, for example, a scanner and scanning software or by manually typing in the information) in accordance with each of the plurality of user accounts [0074] FIG. 5o shows a time sheet screen activated by screen button 66 of FIG. 5n. Here, the user 10 can enter time by date, employee, job number, and activity. Further, daily totals are displayed.

means adapted for storing report data representative of a data reporting period ([0044] Application program or module 42 may reside in various storage areas within a computer-based environment 11 along with other program modules such as an operating system, one or more application programs, other program modules, and program data); and

reporting means adapted for periodically outputting ([0058] Also, some embodiments of the present invention allow the user 10 to view transactions by a user-selected period such as a day, week, month, quarter, year, or any other selected period) the usage data to an associated accounting administrator in accordance with the report data ([0012] The present invention is operable in an automated environment potentially including a personal computer, laptop computer, PDA, mobile phone, smart phone, or other computer-type device that includes a central processing unit, memory means,

input and output means, and optional data communication means which is construed as being used by an associated accounting administrator).

However, Smith fails to explicitly disclose, data representative of a number of copies made, representative of a number of prints made, representative of a number of facsimile transmissions made and representative of a number of scanning images made, receiving a reset signal representative of a reset of at least a portion of accumulated usage data; and resetting accumulated usage data to a previous state upon receipt of a reset signal.

Aikens teaches an auditron access printer, with the feature of data representative of a number of copies made, representative of a number of prints made, representative of a number of facsimile transmissions made and representative of a number of scanning images made (col. 4, lines 59 – 60; there are designations for a number of copies and number of pages as illustrated at 122 and 124, which can be construed for prints, facsimiles and scans)

receiving a reset signal representative of a reset of at least a portion of accumulated usage data; and resetting accumulated usage data to a previous state upon receipt of a reset signal (fig. 4, item 120 depicts a print & delete, in which the internal print queue is reset in order to allow other jobs to be processed. [abstract] also discloses memory which must be reset in order to function).

From this teaching of Aikens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and system for job-

Art Unit: 3687

based accounting of Smith to include the data representative of the number of copies, prints, facsimiles and scans, receiving a reset signal representative of a reset of at least a portion of accumulated usage data; and resetting accumulated usage data to a previous state upon receipt of a reset signal taught by Aikens in order to account for the output.

As per claims 3, 10, 17 and 24, Smith discloses, wherein the reporting means includes means adapted for outputting the usage data to an associated accounting administrator via at least one of electronic mail transmission, facsimile transmission, FTP transmission, and HTML transmission ([0045] For example, the inputs 40 may be input by either a user 10 or a connected entity 14 who sends it electronically to the user 10 via fax, e-mail, Internet web sites (e.g., by filling out and uploading an electronic form provided by a web site) or other electronic means).

As per claims 4, 11, 18 and 25, Smith discloses, wherein the reporting means includes means adapted for outputting the usage data to at least one of an electronic mail server, a document management system, an image generating device, and an Internet server ([0045] The outputs 44 may also be generated electronically, in hard copy format, or both).

As per claims 5, 12, 19 and 26, Smith discloses, wherein the document generating device includes a scanning device ([0039] Input means 34 may include a

keyboard, a pointing device (e.g., a mouse, touch pad, track ball, joystick, or stylus), a microphone, scanner, or the like), a printing device ([0039] Examples of output means 38 include a monitor, a printer, a plotter, a fax, and speakers), a facsimile device, and a multifunctional peripheral (Input means 34 may include a keyboard, a pointing device (e.g., a mouse, touch pad, track ball, joystick, or stylus), a microphone).

However Smith fails to explicitly disclose a copying device.

Aikens teaches an auditron access printer, which is a copying device (col. 2, lines 19 – 21; Multimedia system 2 can be implemented using a variety of hardware platforms and includes devices for input including scanner or digital copier 5)

From this teaching of Aikens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and system for job-based accounting of Smith to include the copying device taught by Aikens in order to enhance the service.

As per claims 6, 13, 20 and 27, Smith discloses, wherein the reporting means further includes means adapted for selecting parameters for periodically outputting the usage data ([0058] Also, some embodiments of the present invention allow the user 10 to view transactions by a user-selected period such as a day, week, month, quarter, year, or any other selected period).

As per claims 7, 14, 21 and 28, Smith discloses, wherein the means adapted for selecting parameters for periodically outputting usage data include selecting at least

one of data reporting period ([0058] Also, some embodiments of the present invention allow the user 10 to view transactions by a user-selected period such as a day, week, month, quarter, year, or any other selected period),

user accounts to be reported ([abstract] allocation of the resources among a set of user-defined virtual spending accounts),

format of output ([0045] The outputs 44 may also be generated electronically, in hard copy format, or both),

transmission type ([abstract] The user may also use the present invention to create and remotely transmit purchase orders and invoices, keep a record of employees, enter employee time sheets, process payroll, and allocate and reconcile incoming and outgoing transactions between the various virtual accounts),

destination of output ([0010] allows the user to create purchase orders and invoices, keep a record of employees, enter employee time sheets, process payroll, and allocate and reconcile incoming and outgoing transactions between the various accounts),

and usage data included ([0009] the user establishes a limit representing a spending limit for each envelope or virtual spending account) ([0011] the user can also set certain transactions to debit or credit various accounts "automatically" at regular intervals of time or upon the happening of a certain event such as an on-line account reconciliation).

Response to Arguments

4. Applicant's arguments filed April 13, 2008, have been fully considered but they are not persuasive.

Applicant argues "Neither Smith nor Aikens teach a system wherein an administrator can set particulars relative to monitoring document processing activity, as well as set periods over which reporting is to be pushed from a device."

However, in the abstract of Aikens, it discusses "a network administrator includes a memory for storing data representing usage of selected printers" Figure 3, item 110 also depicts a communication channel client / server manager. Furthermore, in Smith, it discloses a device which can be used by an administrator to serve this function of monitoring document activity.

In paragraph [0058] of smith, it also discloses "some embodiments of the present invention allow the user 10 to view transactions by a user-selected period such as a day, week, month, quarter, year, or any other selected period"

Therefore, the Examiner respectfully disagrees.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/

Art Unit: 3687

Primary Examiner, Art Unit 3687

OI